

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 3343-BTZK9Q  
Issue Date: December 17, 2020

Black Tower Investments Ltd.  
1098 Highway 56  
County of Haldimand, Ontario  
N0A 1R0

Site Location: Fisherville Estates  
Lot 6, Concession 5  
County of Haldimand,  
N0A 1G0

*You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:*

the establishment of stormwater management Works to service Fisherville Estates Subdivision development, located in the County of Haldimand, for the collection, transmission, treatment and disposal of stormwater runoff from a total catchment area of 2.48 hectares, to provide Enhanced Level water quality protection and erosion control, and to attenuate post-development peak flows to pre-development peak flows for all storm events up to and including the 100-year storm event, discharging to an existing drainage channel and ultimately to Stoney Creek, consisting of the following:

- **grassed swales (catchment area 2.48 hectares)**, located around the site, having a total length of 70 metres, a bottom width of 0.9 metres, side slopes of 3:1, a maximum depth of 0.15 metres, a maximum flow depth of 0.24 metres (100-year storm event) and a maximum available storage volume of 18 cubic metres, discharging to the stormwater management dry pond described below;
- **stormwater management facility (catchment area 2.48 hectares)**: one (1) dry pond, located on the west corner of the site, having a maximum available storage volume of 673 cubic metres and a maximum depth of 0.8 metres, receiving inflow from the grassed swales described above, one (1) emergency overflow weir and riprap-lined spillway, and one (1) outlet structure, consisting of a 450 millimetre diameter storm outlet pipe equipped with a 175 millimetre diameter orifice, allowing a maximum discharge of 0.183 cubic metres per second under the 100-year storm event, draining westerly to an existing drainage channel and ultimately to Stoney Creek;

including erosion/sedimentation control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the submitted application and supporting documents listed in Schedule A forming part of this Approval.

*For the purpose of this environmental compliance approval, the following definitions apply:*

1. "Approval" means this entire document and any schedules attached to it, and the application;
2. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;
3. "District Manager" means the District Manager of the appropriate local District Office of the Ministry, where the Works are geographically located;
4. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
5. "Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;
6. "Owner" means Black Tower Investments Ltd., and includes their successors and assignees;
7. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;
8. "Works" means the sewage Works described in the Owner's application, and this Approval.

*You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:*

## TERMS AND CONDITIONS

### 1. GENERAL CONDITIONS

1. The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
2. Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval, and the application for approval of the Works.
3. Where there is a conflict between a provision of any document in the schedule referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence, and where there is a conflict between the documents in the schedule, the document bearing the most recent date shall prevail.
4. Where there is a conflict between the documents listed in Schedule A and the application, the application shall take precedence unless it is clear that the purpose of the document was to

amend the application.

5. The conditions of this Approval are severable. If any condition of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

## **2. EXPIRY OF APPROVAL**

1. This Approval will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Approval.
2. In the event that completion and commissioning of any portion of the Works is anticipated to be delayed beyond the specified expiry period, the Owner shall submit an application of extension to the expiry period, at least twelve (12) months prior to the end of the period. The application for extension shall include the reason(s) for the delay, whether there is any design change(s) and a review of whether the standards applicable at the time of Approval of the Works are still applicable at the time of request for extension, to ensure the ongoing protection of the environment.

## **3. CHANGE OF OWNER**

1. The Owner shall notify the District Manager and the Director, in writing, of any of the following changes within thirty (30) days of the change occurring:
  - a. change of Owner;
  - b. change of address of the Owner;
  - c. change of partners where the Owner is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c.B17 shall be included in the notification to the District Manager; or
  - d. change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C39 shall be included in the notification to the District Manager.
2. In the event of any change in ownership of the Works, other than a change to a successor municipality, the Owner shall notify in writing the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the District Manager and the Director.
3. The Owner shall ensure that all communications made pursuant to this condition refer to the number at the top of this Approval.

#### 4. OPERATION AND MAINTENANCE

1. If applicable, any proposed storm sewers or other stormwater conveyance in this Approval can be constructed but not operated until the proposed stormwater management facilities in this Approval or any other Approval that are designed to service the storm sewers or other stormwater conveyance are in operation.
2. The Owner shall make all necessary investigations, take all necessary steps and obtain all necessary approvals so as to ensure that the physical structure, siting and operations of the Works do not constitute a safety or health hazard to the general public.
3. The Owner shall undertake an inspection of the condition of the Works, at least once a year, and undertake any necessary cleaning and maintenance to ensure that sediment, debris and excessive decaying vegetation are removed from the Works to prevent the excessive build-up of sediment, oil/grit, debris and/or decaying vegetation, to avoid reduction of the capacity and/or permeability of the Works, as applicable. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Works to ensure that these are not obstructed.
4. The Owner shall construct, operate and maintain the Works with the objective that the effluent from the Works is essentially free of floating and settleable solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen, foam or discoloration on the receiving waters.
5. The Owner shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall keep the logbook at the Owner's administrative office for inspection by the Ministry. The logbook shall include the following:
  - a. the name of the Works; and
  - b. the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed and method of clean-out of the Works.
6. The Owner shall prepare an operations manual prior to the commencement of operation of the Works that includes, but is not necessarily limited to, the following information:
  - a. operating and maintenance procedures for routine operation of the Works;
  - b. inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;
  - c. repair and maintenance programs, including the frequency of repair and maintenance for the Works;
  - d. contingency plans and procedures for dealing with potential spills and any other abnormal situations and for notifying the District Manager; and

- e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
7. The Owner shall maintain the operations manual current and retain a copy at the Owner's administrative office for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.

## **5. TEMPORARY EROSION AND SEDIMENT CONTROL**

1. The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections once every two (2) weeks and after each significant storm event (a significant storm event is defined as a minimum of 25 millimetres of rain in any 24 hours period). The inspections and maintenance of the temporary sediment and erosion control measures shall continue until they are no longer required and at which time they shall be removed and all disturbed areas reinstated properly.
2. The Owner shall maintain records of inspections and maintenance which shall be made available for inspection by the Ministry, upon request. The record shall include the name of the inspector, date of inspection, and the remedial measures, if any, undertaken to maintain the temporary sediment and erosion control measures.

## **6. REPORTING**

1. One (1) week prior to the start-up of the operation of the Works, the Owner shall notify the District Manager (in writing) of the pending start-up date.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. The Owner shall prepare a performance report within ninety (90) days following the end of the period being reported upon, and submit the report(s) to the District Manager when requested. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall be prepared to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:
  - a. a description of any operating problems encountered and corrective actions taken;
  - b. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works, including an estimate of the quantity of any materials removed from the Works;
  - c. a summary of any complaints received during the reporting period and any steps taken to address the complaints;

- d. a summary of all spill or abnormal discharge events; and
- e. any other information the District Manager requires from time to time.

## **7. RECORD KEEPING**

1. The Owner shall retain for a minimum of five (5) years from the date of their creation, all records and information related to or resulting from the operation, maintenance and monitoring activities required by this Approval.

## **Schedule A**

1. Application for Environmental Compliance Approval, dated April 24, 2020 and received on June 4, 2020 from IBI Group;
2. Engineering Drawings, stamped and dated on October 19, 2020, prepared by IBI Group;
3. Stormwater Management Report titled "Stormwater Management Report Fisherville Estates, Haldimand County" dated March 23, 2020 prepared by IBI Group; and
4. Emails from Brian Enter, P.Eng., IBI Group, dated October 2, November 5, and December 9, 2020.

*The reasons for the imposition of these terms and conditions are as follows:*

1. Condition 1 is imposed to ensure that the Works are constructed and operated in the manner in which they were described and upon which approval was granted. This condition is also included to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review.
2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.
3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to the approved Works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.
4. Condition 4 is included as regular inspection and necessary removal of sediment and excessive decaying vegetation from the Works are required to mitigate the impact of sediment, debris and/or decaying vegetation on the treatment capacity of the Works. The Condition also ensures that adequate storage is maintained in the Works at all times as required by the design. Furthermore, this Condition is included to ensure that the Works are operated and maintained to function as designed.
5. Condition 5 is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the downstream receiving watercourse during construction until they are no longer required.
6. Condition 6 is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.
7. Condition 7 is included to require that all records are retained for a sufficient time period to adequately evaluate the long-term operation and maintenance of the Works.

*In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:*

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*The Notice should also include:*

1. The name of the appellant;



2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

*And the Notice should be signed and dated by the appellant.*

*This Notice must be served upon:*

The Secretary\*  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

AND

The Minister of the Environment,  
Conservation and Parks  
777 Bay Street, 5th Floor  
Toronto, Ontario  
M7A 2J3

AND

The Director appointed for the purposes of  
Part II.1 of the Environmental Protection Act  
Ministry of the Environment,  
Conservation and Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

*This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at <https://ero.ontario.ca/>, you can determine when the leave to appeal period ends.*

*The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.*

DATED AT TORONTO this 17th day of December, 2020



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Aziz Ahmed, P.Eng.

Director

appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

SF/

c: District Manager, MECP Hamilton - District Office  
Brian Enter, P.Eng., IBI Group